

REMARKS

By this amendment, claims 2-11 are added for examination. Therefore, on entering this amendment, claims 1-2 are all the claims pending in the application.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Takashima (U.S. Patent No. 6,352,045).

Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over Takashima in view of Watanuki (U.S. Patent No. 5,819,564).

The Applicants traverse the rejections and request reconsideration.

Rejections based on prior art

Rejection of claim 1 under 102(b) based on Takashima

The present invention, as recited in claim 1 requires that the transponder be provided separately from the lock plate. This structural feature is believed to be significant in achieving a stated goal of the present invention, namely, to achieve flexible performance of the engine. In other words, when a novice uses the motorboat, the performance of the engine can be altered for a safer operation by using a transponder with a different ID.

The Examiner contends that it is inherent that the transponder is used in Takashima. The Examiner is believed to be mischaracterizing the requirements for inherency. For a limitation to be inherently disclosed, it must be present in every instance. In the present case, the Examiner contends that the transducer has to be provided separately, ostensibly some time prior to the assembling of the apparatus. However, the claim requires that the transponder be provided separately **in its present assembled state**.

Clearly, Takashima does not disclose (or suggest) that the transponder be provided separately. In fact, Takashima teaches away from this feature by explicitly stating that the transponder 58 is embedded within the lanyard member so as to be completely surrounded by the material forming the lanyard member 54 (see Takashima 4:12-19). In another instance, it is noted that the transducer 58 is insert molded within the lanyard member (see Takashima 4:22-25). Takashima's goal appears to be to protect the transducer from environmental elements such as water and not to provide flexible operation of the engine as in the present invention. Therefore, it appears understandable as to why Takashima would teach away from the present invention.

Claim 1 is not anticipated by Takashima at least in view of the above reasons.

Rejection of claim 2 under section 103 based on Takashima and Watanuki

Claim 2 is dependant on claim 1, and therefore, is allowable at least for the same reasons. Claim 2 explicitly recites that the transponder be detachably attached to the lock plate. Moreover, Watanuki does not overcome the deficiency noted in the teachings of Takashima. Further, the Examiner appears to be completely ignoring a key limitation of claim 2. That is, claim 2 requires that the control section changes the performance of the engine based on the ID code. However, Watanuki simply provides a security feature where the transducer is used in authorizing a user to start the automobile. There is no suggestion in Watanuki to change the performance of the engine.

The Applicant respectfully submits that a mere provision of a door 9 in Watanuki does not suggest that the transducer is detachably attached to the key of Watanuki.

Still further, Takashima explicitly requires that the transducer be sealed within the lanyard member for achieving a significant stated advantage of protecting the transducer from being exposed to water. On the other hand, the Examiner reads Watanuki to mean that the transducer is removable from the key using the door 9. The Applicants respectfully submit that, the teachings of Watanuki cannot be combined with the teachings of Takashima, because, in such a case, Takashima will not achieve its advantage of preventing exposure to water. Therefore, the combined device will not function to achieve the stated purpose. A skilled artisan would not have been motivated to combine the teachings of Takashima and Watanuki to make the device of the present invention.

New Claims

The Applicants respectfully add new claims 3-11 reciting additional structural features that could further distinguish the present invention from the cited references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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